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AFFIDAVIT OF HSI SPECIAL AGENT BRENDAN JAFFE

I, Special Agent Brendan Jaffe, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Since December of 2021, I have been employed as a Special Agent with the U.S. Department of Homeland Security ("HSI"), assigned to HSI Investigations and assigned to the New England Special Agent in Charge (SAC), with an assigned duty station of Providence, RI. I am assigned to the Northeast Corridor Border Enforcement Security Team ("BEST group") which investigates violations of Federal law, including but not limited to drug trafficking, firearms trafficking, human trafficking and smuggling, child exploitation, transnational criminal organizations, money laundering and bulk cash smuggling and commercial fraud. I am a "federal law enforcement officer" authorized to request a seizure warrant under Fed. R. Crim. P. 41(a)(2)(C). I am also an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code, in that I am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 21 of the United States Code.

2. In September of 2022, I graduated from the Federal Law Enforcement Training Center ("FLETC") - U.S Department of Homeland Security Investigations Academy. This fourteen-week training covered various aspects of federal law enforcement, including but not limited to surveillance, defensive tactics, evidence, firearms, investigations, immigration and law. Prior to entering on duty for Homeland Security Investigations, I was previously employed as a Federal Agent as a United States

Postal Inspector ("Postal Inspector") by the United States Postal Inspection Service ("USPIS") in Buffalo, NY for approximately 2 ½ years. Upon entering the USPIS, I completed fourteen weeks of Federal Law Enforcement training in Potomac, MD. During my employment as a Postal Inspector, I was assigned to a Miscellaneous Crimes Team and investigated drug trafficking, firearms trafficking, and the trafficking of illicit proceeds using the United States Mail and other methods. Prior to entering the USPIS, I graduated from the Federal Probation and Pretrial Services Academy and served as a United States Probation Officer for three years. From October of 2017 until May of 2019, I was employed by the United States District Court for the Western District of North Carolina and was assigned to the Supervision Unit, and from February 2016 until October of 2017, I was employed by United States District Court for the District of Rhode Island and was assigned to the Supervision Unit.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging ALESSIO DANDREA (DOB: 11/15/1995) with violations of federal law, specifically Title 26 U.S.C. §§ 5841, 5845(a)(7), 5861(d), and 5871 (possession of an unregistered silencer) and 18 USC § 922(a)(4) (unlicensed importation/transportation of a machine gun from foreign commerce) hereinafter referred to as the SUBJECT OFFENSES.

4. The information set forth in this affidavit is based on my investigation, my training and experience, and information relayed to me by other law enforcement agents. This affidavit is intended to show that there is probable cause and does not set forth all of my knowledge about this matter or investigation.

5. As described below, there is probable cause to believe that DANDREA engaged in the unlicensed importation/transportation of a machine gun in foreign commerce, in violation of 18 U.S.C. § 922(a)(4), and that DANDREA was unlawfully in possession of two unregistered firearm silencers in violation of 26 U.S.C. § 5861(d).

JULY 6 2023 SEARCH OF 11 EVERBLOOM DRIVE, JOHNSTON RI 02919

6. On June 14, 2023, U.S Customs and Border Protection (CBP) inspected and seized an internationally shipped parcel from China at JFK International Airport in New York. The shipper of the parcel was “BEIJING YANWEN LOGISTICS CO LTD, BUILDING 3 101 NO 1 BAOANXIXIANG AV, BEIJING, CN 100000.” and the subject parcel addressee was listed as “ALESSIO DANDREA, 11 EVERBLOOM DR, JOHNSTON, RI 02919”. Upon inspecting the parcel for entry into the United States, CBP officers found the parcel contained a device deemed a machinegun which was (1) AR-15 “lightning link” auto sear switch.

7. HSI investigators reviewed the seizure evidence photos and physically reviewed the evidence, and determined that the device that was seized from the parcel is an object that is deemed by the Bureau of Alcohol, Tobacco, and Firearms (“ATF”) to be an AR-15 Auto Sear Machine Gun. According to ATF Ruling 81-4, “Regardless of the date of manufacture of a drop in auto sear (i.e., before or after November 1,1981) the possession or transfer of an unregistered drop in auto sear (a machinegun as defined) is prohibited by the National Firearms Act (NFA), 26 U.S.C. § 5861, and the Gun Control Act, 18 U.S.C. § 922(o)”. The “lightning link” device is designed to modify the semi-automatic function/capability of an AR-15 rifle and can be installed in a matter of

seconds. Generally speaking, in order to fire an AR-15, the shooter is required to pull the trigger of the firearm every time to fire a round or a bullet. Once the device (Lightning Link Auto Sear) is installed the trigger no longer has to be pulled every time to fire a round, the trigger only needs to be pulled once to initiate a continuous burst of fire.

8. A review of ATF databases revealed that DANDREA is not a licensed firearms dealer authorized to deal, import, manufacture, or collect firearms. HSI further confirmed that DANDREA resided at 11 Everbloom Drive, Johnston, RI 02919 with his parents, and had previously received mail at this address. A detailed description of the investigation and surveillance of DANDREA and his residence is contained in the affidavit of Special Agent Nicholas Conforti, HSI in support of a search warrant for 11 Everbloom Drive, which is attached as Exhibit 1 and incorporated herein.

9. On June 30, 2023, Special Agent Nicholas Conforti, HSI, applied for and received a search warrant to search 11 Everbloom Drive from the U.S. District Court for the District of Rhode Island (Case No. 23-SW-175-LDA, Exhibit 1). The search warrant was executed on the morning of July 6, 2023.

10. Upon searching 11 Everbloom Drive, investigators discovered approximately 27 firearms, consisting of rifles, pistols, and shotguns inside the residence. The defendant was initially present in the residence during the execution of search warrant and was later moved outside to the rear patio of the residence while the search was conducted. In addition to these firearms, two devices consistent in appearance with firearm silencers. One of these devices was attached to the barrel of a semi-automatic rifle inside the residence, while another was found in a weapon storage case. These

devices were black and cylindrical in appearance with no markings, and a visual inspection of the device's bore revealed that the inside of these devices contained baffles, akin to a firearm silencer. The devices were seized and sent for testing and laboratory analysis.

11. Under the National Firearm Act, the making a silencer must be approved in advance by ATF. An unlicensed person must file an ATF Form 1, Application to Make a Firearm, pay a \$200 fee or tax, and comply with all other provision of the law prior to making a silencer. Approval of Form 1 results in registration of the silencer to the maker. Subsequent transfer of the registered silencer must be approved in advance by ATF. On July 6, 2023, investigators conducted a review of ATF databases and determined that DANDREA does not have any firearm silencers or machine guns registered in his name. Furthermore, through my training and experience, I know that unmarked silencers can not be registered with the ATF.

12. During the search of 11 Everbloom Drive, DANDREA's father arrived at the residence and spoke with investigators. DANDREA's father identified which of the firearms found in the residence were his, and which belonged to DANDREA. Of note, DANDREA's father identified the three AR-style rifles (which are compatible with a lightning link auto sear) and the two suspected firearm silencers as belonging to DANDREA.

13. During the search of 11 Everbloom Drive, a cursory review of DANDREA's phone was conducted by investigators. A photograph of the three AR-style rifles, one of which had the suspected suppressor attached to it, was identified. Additionally, a

photograph of the tracking number for the subject parcel for the seized parcel containing the lightning link was found on DANDREA's phone as well. Investigators discovered that this photograph had been sent to someone identified as "Alessandro", whom investigators believe to be DANDREA's brother Romeo Alessandro DAndrea. On July 1, 2023, DANDREA texted this photo to "Alessandro" and stated "Also, I have no idea what this is or why it's in my informed delivery". "Alessandro" replied: "a package? From dinghong?Wtf." DANDREA replied by stating: "Boh. Being delivered in Jew York. (symbol for the Star of David) Probably a bag of bagels".

14. A cursory review of a second cell phone that was identified as DANDREA'S produced an image from November 29, 2021, which appeared to be a photo from a firearms forum discussing the Lightning Link (which was seized from the subject parcel) and a Lightning Link Selective Fire Kit.

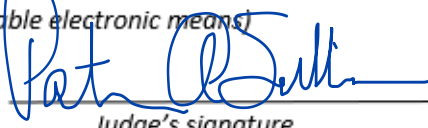
CONCLUSION

15. Based on these facts, I submit there is probable cause to believe that Alessio DANDREA knowingly committed the SUBJECT OFFENSES, and to seek a complaint and arrest warrant charging him with the SUBJECT OFFENSES.

I declare the foregoing is true and correct to the best of my knowledge and belief.



BRENDAN JAFFE
Special Agent
Homeland Security Investigations

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by <u>Sworn telephonically and signed electronically</u> <i>(specify reliable electronic means)</i>	
<u>July 6, 2023</u> <i>Date</i>	 <i>Judge's signature</i>
<u>Providence, Rhode Island</u> <i>City and State</i>	<u>Patricia A. Sullivan, USMJ</u> <i>Magistrate Judge Patricia A. Sullivan</i>